UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/52/640
20 November 1997
ENGLISH
ORIGINAL: SPANISH

Fifty-second session
Agenda item 108

PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

Report of the Third Committee

Rapporteur: Mrs. Mónica MARTÍNEZ (Ecuador)

I. INTRODUCTION

1. At its 4th plenary meeting, on 19 September 1997, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-second session the item entitled "Promotion and protection of the rights of children" and to allocate it to the Third Committee.

2. The Third Committee considered the item at its 19th to 22nd, 28th, 35th, 37th and 39th meetings, on 30 and 31 October and 6, 13, 14 and 17 November 1997. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/52/SR.19-22, 28, 35, 37 and 39).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the status of the Convention on the Rights of the Child (A/52/348);

(b) Report of the Secretary-General on the exploitation of child labour (A/52/523);

(c) Note by the Secretary-General transmitting the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/52/482);

(d) Letter dated 7 March 1997 from the Permanent Representative of Turkmenistan transmitting the text of the Ashgabat Declaration, adopted at the Inter-Parliamentary Conference on the Implementation of the Convention on the

Rights of the Child in Central Asia and Kazakhstan, which was held at Ashgabat from 20 to 22 February 1997 (A/52/90);

(e) Letter dated 14 April 1997 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General transmitting a copy of the report on the policy of ethnic cleansing/genocide conducted in the territory of Abkhazia, Georgia, and the necessity of bringing to justice the persons who committed these crimes in accordance with international principles of due process, and the conclusions of the State Commission of Georgia for the Investigation of the Policy of Ethnic Cleansing/Genocide carried out against the Georgian Population in Abkhazia, Georgia (A/52/116-S/1997/317);

(f) Letter dated 1 October 1997 from the Permanent Representative of Colombia to the United Nations addressed to the Secretary-General transmitting the Communiqué of the Meeting of Ministers for Foreign Affairs and Heads of Delegation of the Movement of Non-Aligned Countries (A/52/447-S/1997/775);

(g) Letter dated 6 October 1997 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General enclosing the text of the five main resolutions adopted at the ninety-eighth session of the General Conference of the Inter-Parliamentary Union, held at Cairo from 11 to 16 September 1997 (A/52/437);

(h) Letter dated 10 October 1997 from the Chargé d'affaires a.i. of Cuba to the United Nations addressed to the Secretary-General transmitting the views of the Government of the Republic of Cuba concerning the observations of the Committee on the Rights of the Child on Cuba's initial report to that treaty body (A/C.3/52/3).

4. At its 19th meeting, on 30 October, the Committee heard introductory statements by the Special Representative of the Secretary-General on Children in Armed Conflict, the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography, the Director of the New York Office of the United Nations High Commissioner for Human Rights and the Deputy Executive Director of the United Nations Children's Fund (see A/C.3/52/SR.19).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/52/L.24

5. At the 28th meeting, on 6 November, the representative of Namibia, on behalf of Afghanistan, Algeria, Andorra, Angola, Argentina, Austria, Azerbaijan, the Bahamas, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Cape Verde, Chad, Chile, Colombia, the Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, the Democratic Republic of the Congo, Denmark, the Dominican Republic, Ecuador, Eritrea, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guinea, Haiti, Iceland, India, Indonesia, Ireland, Israel, Italy, Japan, Kenya, Kyrgyzstan, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Mali, Marshall Islands, Mauritius, Monaco, Mongolia, Mozambique, Namibia, the Netherlands,

New Zealand, the Niger, Nigeria, Norway, Paraguay, Philippines, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Samoa, San Marino, Sierra Leone, Singapore, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, Uruguay, Venezuela, Zambia and Zimbabwe, introduced a draft resolution entitled "The girl child" (A/C.3/52/L.24).

6. In introducing the draft resolution, the representative of Namibia orally revised it as follows:

(a) At the end of the third preambular paragraph, the phrase "including the need for better protection of child victims and witnesses" was added;

(b) In the sixth preambular paragraph, the phrase "Stressing that discrimination of the girl child and neglect might" was replaced by the phrase "Stressing that discrimination and neglect of the girl child can";

(c) At the end of operative paragraph 8, the phrase "and to take into account the special needs of the girl child in the delivery of humanitarian assistance" was added;

(d) Operative paragraph 16, which read:

> "Encourages the strengthening of cooperation and coordination among all human rights treaty bodies, special rapporteurs, special procedures and other human rights mechanisms of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, and requests that they regularly and systematically take a gender perspective into account in the implementation of their mandates, including information and qualitative analysis in their reports on violations of the human rights of women and the girl child."

was replaced by the following:

> "Requests all human rights treaty bodies, special procedures and other human rights mechanisms of the Commission of Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities to regularly and systematically adopt a gender perspective in the implementation of their mandates and to include in their reports information on and qualitative analysis of violations of human rights of women and girls and encourages the strengthening of cooperation and coordination in that regard."

7. At the 37th meeting, on 14 November, Antigua and Barbuda, Australia, Belarus, Cameroon, Canada, El Salvador, Guyana, Jamaica, Liechtenstein, Malaysia, Mali, Nepal, Nicaragua, Panama, Tajikistan, Trinidad and Tobago, Tunisia and Turkmenistan joined in sponsoring the draft resolution.

8. At the same meeting, the Committee adopted draft resolution A/C.3/52/L.24, as orally revised, without a vote (see para. 16, draft resolution I).

9. After the adoption of the draft resolution, a statement was made by the representative of Malta (see A/C.3/52/SR.37).

B. Draft resolution A/C.3/52/L.25

10. At the 28th meeting, on 6 November, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of Afghanistan, Algeria, Andorra, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Bhutan, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Canada, Cape Verde, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, India, Iraq, Ireland, Israel, Italy, Japan, Kazakhstan, Kyrgyzstan, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Mongolia, Mozambique, Namibia, the Netherlands, New Zealand, Norway, Pakistan, Panama, the Philippines, Poland, Portugal, the Republic of Moldova, Romania, Samoa, San Marino, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Turkey, Turkmenistan, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Venezuela,[1] introduced a draft resolution entitled "The rights of the child" (A/C.3/52/L.25). Subsequently, Angola, Barbados, Costa Rica, the Dominican Republic, Eritrea, Guyana, Kenya, Mali, the Marshall Islands, Mauritius, Solomon Islands and the former Yugoslav Republic of Macedonia joined in sponsoring the draft resolution.

11. At the 35th meeting, on 13 November, the representative of the United States of America introduced amendments (A/C.3/52/L.39) to section IV of the daft resolution, by which:

(a) In operative paragraph 1, the phrase "in violation of the law of armed conflict and the Convention on the Rights of the Child" would be inserted after the word "situations";

(b) In operative paragraph 9, the phrase "in violation of the law of armed conflict and the Convention on the Rights of the Child" would be inserted after the word "soldiers";

(c) Operative paragraph 14 would be replaced with the following text:

"Reaffirms its support for its previous recommendations and those of the Commission on Human Rights and the International Conference of the Red Cross and Red Crescent concerning the assessment and monitoring of the consequences of sanctions upon children, as well as those concerning humanitarian relief"

12. At the 39th meeting, on 17 November, the representative of the United States of America made a statement and withdrew the above-mentioned amendments (see A/C.3/52/SR.39).

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[1] On behalf of States Members of the United Nations that are members of the Latin American and Caribbean States.

13. At the same meeting, the Bahamas, Latvia, Lesotho, Liberia, Morocco, Senegal, Tajikistan and Uzbekistan joined in sponsoring the draft resolution.

14. Also at the 39th meeting, the Committee adopted draft resolution A/C.3/52/L.25, without a vote (see para. 16, draft resolution II).

C. Draft decision

15. At its 39th meeting, on 17 November, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of the report of the Secretary-General on the status of the Convention on the Rights of the Child (A/52/348) and the report of the Secretary-General on the exploitation of child labour (A/52/523) (see draft decision, para. 17).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

16. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

The girl child

The General Assembly,

Recalling its resolutions 50/42 of 8 December 1995, 50/154 of 21 December 1995, 50/203 of 22 December 1995 and 51/76 of 12 December 1996,

Also recalling the Beijing Declaration and the Platform for Action of the Fourth World Conference on Women,[2] the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development,[3] held at Copenhagen from 6 to 12 March 1995, the Programme of Action of the International Conference on Population and Development,[4] held at Cairo from 5 to 13 September 1994, the Vienna Declaration and Programme of

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[2] Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[3] Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995 (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

[4] Report of the International Conference on Population and Development, Cairo, 5-13 September 1994 (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

Action of the World Conference on Human Rights,[5] held at Vienna from 14 to 25 June 1993, the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s of the World Summit for Children,[6] held in New York on 29 and 30 September 1990, the World Declaration on Education for All and the Framework for Action to Meet Basic Learning Needs[7] adopted at the World Conference on Education for All, held at Jomtien, Thailand, from 5 to 9 March 1990, and the Declaration and Agenda for Action[8] of the World Congress against Commercial Sexual Exploitation of Children held at Stockholm from 27 to 31 August 1996,

Deeply concerned that girls, in particular adolescent girls, continue to be silent and invisible victims of violence, abuse and exploitation and that some legal systems do not address adequately the vulnerability of girls in the administration of justice including the need for better protection of child victims and witnesses,

Recalling that in 1998 the fiftieth anniversary of the Universal Declaration of Human Rights will be observed and the mid-term review of the implementation of the Programme of Action of the International Conference on Population and Development will be carried out and that the Commission on the Status of Women at its forty-second session will review the implementation of the sections of the Platform for Action on the girl child and the human rights of women,

Welcomes the appointment of the Special Representative of the Secretary-General on children and armed conflict, in accordance with section II of Assembly resolution 51/77 of 12 December 1996,

Stressing that discrimination and neglect of the girl child can initiate a lifelong downward spiral of deprivation and exclusion from the social mainstream,

Deeply concerned about discrimination against the girl child and the violation of the rights of the girl child, which often result in less access for girls to education, nutrition, physical and mental health care and to girls enjoying fewer rights, opportunities and benefits of childhood and adolescence than boys and often being subjected to various forms of cultural, social, sexual and economic exploitation and to violence and harmful practices such as incest, early marriage, female infanticide, prenatal sex selection and female genital mutilation,

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[5] A/CONF.157/24 (Part I), chap. III.

[6] See A/45/625, annex.

[7] Final Report of the World Conference on Education for All: Meeting Basic Learning Needs, Jomtien, Thailand, 5-9 March 1990, Inter-Agency Commission (UNDP, UNESCO, UNICEF, World Bank) for the World Conference on Education for All, New York, 1990, appendices I and II.

[8] A/51/385, annex.

Also deeply concerned that in situations of poverty, war and armed conflict, girl children are among the victims most affected and thus their potential for full development is limited,

Concerned that the girl child has become a victim of the human immunodeficiency virus/acquired immunodeficiency syndrome and sexually transmitted diseases, which affects the quality of her life and leaves her open to further discrimination,

Reaffirming the equal rights of women and men as enshrined, inter alia, in the preamble to the Charter of the United Nations, the Convention on the Elimination of All Forms of Discrimination against Women[9] and the Convention on the Rights of the Child,[10]

1. Stresses the need for full and urgent implementation of the rights of the girl child as guaranteed to her under all human rights instruments, including the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women;

2. Urges all States to take all necessary measures and to institute legal reforms to ensure the full and equal enjoyment by the girl child of all human rights and fundamental freedoms and to take effective action against violations of those rights and freedoms;

3. Also urges all States to enact and enforce legislation protecting girls from all forms of violence, including female infanticide and prenatal sex selection, female genital mutilation, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, and to develop age-appropriate safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

4. Calls upon all States and international and non-governmental organizations, individually and collectively:

(a) To set goals and to develop and implement gender-sensitive strategies to address the rights and needs of children, in accordance with the Convention on the Rights of the Child, to take into account the rights and particular needs of the girl child, especially in education, health and nutrition, and to eliminate negative cultural attitudes and practices against the girl child;

(b) To take measures to ensure the non-discrimination and equal enjoyment of all human rights and fundamental freedoms of the girl child with disabilities;

(c) To generate social support for the enforcement of laws on the minimum legal age for marriage, in particular by providing educational opportunities for girls;

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[9] Resolution 34/180, annex.

[10] Resolution 44/25, annex.

(d) To give attention to the rights and needs of adolescent girls, which call for special action for their protection from sexual and economic exploitation and abuse, harmful traditional and cultural practices, teenage pregnancy and vulnerability to sexually transmitted diseases and human immunodeficiency virus/acquired immunodeficiency syndrome and for the development of life skills and self-esteem, reaffirming that the advancement and empowerment of women throughout the life cycle must begin with the girl child at all ages;

(e) To take measures to increase awareness of the potential of the girl child and to promote gender-sensitive socialization of boys and girls from early childhood, aimed at achieving gender equality, development and peace within the family and the community;

(f) To ensure the equal participation of girls and young women on the basis of non-discrimination and as partners with boys and young men in social, economic and political life and in the development of strategies and the implementation of action aimed at achieving gender equality, development and peace;

(g) To strengthen and reorient health education and health services, in particular primary health-care programmes, including sexual and reproductive health, and to design quality health programmes that meet the physical and mental needs of girls and attend to the needs of young expectant and nursing mothers;

5. Urges States to enact and strictly enforce laws to ensure that marriage is entered into only with the free and full consent of the intending spouses, to enact and strictly enforce laws concerning the minimum legal age of consent and the minimum age for marriage and to raise the minimum age for marriage where necessary;

6. Also urges States to eliminate all barriers so as to enable girls, without exception, to develop their full potential and skills through equal access to education and training;

7. Encourages States to consider ways and means to ensure the continuing education of married women, pregnant women and young mothers;

8. Urges States to take special measures for the protection of children, in particular to protect girls from rape and other forms of sexual abuse and gender-based violence in situations of armed conflict, paying special attention to refugee and displaced girls, in line with the recommendations of the expert appointed by the Secretary-General to study the impact of armed conflict on children and to take into account the special needs of the girl child in the delivery of humanitarian assistance;

9. Urges States parties to fulfil the obligations they have undertaken

Elimination of All Forms of Discrimination against Women to protect women and girls from all forms of violence, including domestic violence, sexual trafficking and child prostitution;

10. Urges States to implement measures to protect women and girls from all forms of violence, in line with the recommendations of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences;

11. Requests all States to implement, on an urgent basis, measures to protect children from all forms of sexual exploitation, including measures in line with those outlined in the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children;

12. Calls upon Governments, civil society, including the media, and non-governmental organizations to promote human rights education and the full respect for and enjoyment of the human rights of the girl child, inter alia, through the translation, production and dissemination of age-appropriate information materials on these rights to all sectors of society, and particularly to children;

13. Calls upon Governments to encourage efforts by civil society, non-governmental organizations including women's organizations, to establish community-based groups or local committees which could assist with the safety and welfare of children;

14. Requests the Secretary-General, as Chairman of the Administrative Committee on Coordination, to ensure that all organizations and bodies of the United Nations system, individually and collectively, in particular the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the World Food Programme, the United Nations Population Fund, the United Nations Development Fund for Women, the World Health Organization, the United Nations High Commissioner for Human Rights, the United Nations Development Programme and the United Nations High Commissioner for Refugees, take into account the rights and the particular needs of the girl child, especially in education, health and nutrition, and eliminate negative cultural attitudes and practices against the girl child in the implementation of the outcome of all recent global conferences, in particular the Platform for Action of the Fourth World Conference on Women, and of the system-wide medium-term plan for the advancement of women for the period 1996-2001;[11]

15. Calls upon the Commission on Human Rights, while considering, in accordance with the agreed conclusions 1996/1 of the Economic and Social Council[12] its input to the Commission on the Status of Women on ensuring women's equal enjoyment of their human rights, in particular those relating to economic resources, to pay particular attention to all the human rights of the girl child;

16. Requests all human rights treaty bodies, special procedures and other human rights mechanisms of the Commission on Human Rights and the Subcommission

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[12] See A/51/3 (Part I), chap. III, sect. A; see Official Records of the General Assembly, Fifty-first Session, Supplement No. 3.

on Prevention of Discrimination and Protection of Minorities to regularly and systematically adopt a gender perspective in the implementation of their mandates and to include in their reports information on and qualitative analysis of violations of human rights of women and girls, and encourages the strengthening of cooperation and coordination in that regard;

17. Calls upon States and international and non-governmental organizations to mobilize all necessary resources, support and efforts to realize the goals, strategic objectives and actions set out in the Platform for Action of the Fourth World Conference on Women;

18. Calls upon all States, all relevant organizations and bodies of the United Nations system and non-governmental organizations to implement commitments to goals and actions relating to the girl child and to report on initiatives and progress to the Commission on the Status of Women at its forty-second session, pursuant to the decision of the Commission to review the progress made in the implementation of the Platform for Action of the Fourth World Conference on Women relating to the girl child in 1998.

DRAFT RESOLUTION II

The rights of the child

The General Assembly,

Recalling its resolutions 51/77 and 51/76 of 12 December 1996, 51/186 of 16 December 1996 and Commission on Human Rights resolution 1997/78,

Also recalling the Declaration and Plan of Action adopted by the World Summit for Children in 1990, notably its solemn commitment to give high priority to the rights of children, to their survival and to their protection and development, and reaffirming the Vienna Declaration and Programme of Action, which, inter alia, states that national and international mechanisms and programmes for the defence and protection of children, in particular those in especially difficult circumstances, should be strengthened, including through effective measures to combat exploitation and abuse of children such as female infanticide, harmful child labour, sale of children and organs, child prostitution and child pornography as well as other forms of sexual abuse, and which reaffirms that all human rights and fundamental freedoms are universal,

Underlining the need for mainstreaming a gender perspective into all policies and programmes relating to children,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social and economic conditions, poverty, natural disasters, armed conflicts, displacement, exploitation, racism and all forms of intolerance, unemployment, rural-to-urban migration,

Inviting Member States to promote the values of peace, understanding, and dialogue in the education of children, and awareness of the urgent need to combat poverty, malnutrition, and illiteracy worldwide,

Recognizing that legislation alone is not enough to prevent violations of the rights of the child, that stronger political commitment is needed and that Governments should implement their laws and complement legislative measures with effective action,

Recommending that within their mandates, all relevant human rights mechanisms and all other relevant organs and mechanisms of the United Nations system and the supervisory bodies of the specialized agencies pay attention to particular situations in which children are in danger and where their rights are violated and that they take into account the work of the Committee on the Rights of the Child,

Stressing the need to strengthen partnerships between Governments, international organizations and all sectors of civil society, in particular non-governmental organizations, in order to achieve these objectives,

Reaffirming that the best interests of the child shall be a primary consideration in all actions concerning children,

I

Implementation of the Convention on the Rights of the Child

1. Welcomes the unprecedented number of 191 States that have ratified or acceded to the Convention on the Rights of the Child as a universal commitment to the rights of the child;

2. Urges once again all States that have not yet done so to sign and ratify or accede to the Convention as a matter of priority, with a view to reaching the goal of universal adherence established by the World Summit for Children and reiterated by the Vienna Declaration and Programme for Action;

3. Recognizes the important role of the Committee on the Rights of the Child in creating awareness of the principles and provisions of the Convention and in providing recommendations to States parties on its implementation;

4. Invites the Committee on the Rights of the Child to further enhance the constructive dialogue with the States Parties and the transparent and effective functioning of the Committee;

5. Requests the Secretary-General to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee on the Rights of the Child, and takes note of the Plan of Action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child;

6. Urges States parties to cooperate closely with the Committee on the Rights of the Child and to comply in

a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated by the Committee;

7. Also calls upon States parties to withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations;

8. Recalls that the amendment to article 43 (2) of the Convention, which would increase the membership of the Committee on the Rights of the Child from 10 to 18 experts, was adopted by the Conference of States parties on 12 December 1995, that this amendment was approved by the General Assembly on 21 December 1995 in its resolution 50/155, and therefore calls upon States parties to take appropriate measures so that acceptance of the amendment by a two-thirds majority of States parties can be reached as soon as possible in order for the amendment to enter into force;

9. Calls upon States parties to the Convention to ensure that the education of the child shall be carried out in accordance with article 29 of the Convention and that the education be directed, inter alia, to the development of respect for human rights and fundamental freedoms, for the Charter of the United Nations and for different cultures and to the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, gender equality and friendship among peoples, ethnic, national and religious groups and persons of indigenous origin;

10. Also calls upon States parties to the Convention, in accordance with their obligation under article 42 of the Convention, to make the principles and provisions of the Convention widely known to adults and children alike, and also calls upon States parties to encourage training on the rights of the child for those involved in activities concerning children, for example through the programme of advisory services and technical cooperation in the field of human rights;

11. Stresses that the implementation of the Convention contributes to the achievement of the goals of the World Summit for Children as emphasized in the report of the Secretary-General on the progress at mid-decade on implementation of General Assembly resolution 45/217 of 21 December 1990 on the World Summit for Children;

12. Encourages the Committee, in monitoring the implementation of the Convention on the Rights of the Child, to continue to pay attention to the needs of children in especially difficult circumstances;

II

Children with disabilities

1. Welcomes the increased attention given by the Committee on the Rights of the Child to the equal enjoyment by children with disabilities of the rights of the child;

2. Calls upon all States to take all necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities, and to develop and enforce legislation against discrimination against children with disabilities;

3. Also calls upon all States to promote for children with disabilities a full and decent life, in conditions which ensure dignity, promote self-reliance, and facilitate the child's active participation in the community;

4. Emphasizes the right to education as a human right, and calls upon States to make education accessible to children with special educational needs in a manner conducive to the child's achieving the fullest possible social integration and individual development, and to adopt an integrated approach to providing adequate support and appropriate education for such children;

5. Welcomes the decision by the Economic and Social Council to request the Special Rapporteur on Disabilities of the Commission for Social Development to pay special attention to children with disabilities, and the invitation to enhance the cooperation between the Special Rapporteur and the Committee on the Rights of the Child, and also requests the United Nations High Commissioner for Human Rights and the United Nations Children's Fund to work closely with him;

6. Calls upon all States, in complying with their reporting obligations to the Committee under article 44 (1) of the Convention, to include, in accordance with the Committee's guidelines,[13] information on the situation and the needs of children with disabilities, including disaggregated data, and on the measures taken to ensure to such children their enjoyment of the rights under the Convention;

III

Prevention and eradication of the sale of children and of their sexual exploitation, including child prostitution and child pornography

1. Welcomes the interim report of the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography,[14] and expresses its support for her work in examining, all over the world, the question of the sale of children, child prostitution and child pornography;

2. Requests the Secretary-General to provide the Special Rapporteur with all necessary human and financial assistance to make the full discharge of the mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-third session and a report to the Commission on Human Rights at its fifty-fourth session;

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[14] A/52/482.

3. Supports the work of the open-ended inter-sessional working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention on the Rights of the Child related to the sale of children, child prostitution and child pornography, and expresses the hope that it will make further progress prior to the fifty-fourth session of the Commission with a view to finalizing that work before the tenth anniversary of the Convention on the Rights of the Child;

4. Calls upon all States parties to fulfil their obligation under article 34 of the Convention, and also calls upon all States to support efforts in the context of the United Nations system aimed at adopting effective national, bilateral and multilateral measures for the prevention and eradication of the sale of children and of their sexual exploitation, including child prostitution and child pornography, in particular by criminalizing the sexual exploitation of children;

5. Requests all States to implement on an urgent basis measures to protect children from all forms of sexual exploitation and sexual abuse, including measures in line with those outlined in the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children;

6. Calls upon States to criminalize all forms of sexual exploitation of children, including commercial sexual exploitation, and to condemn and penalize all those offenders involved, whether local or foreign, while ensuring that children victims of this practice are not penalized;

7. Also calls upon States to review and revise, where appropriate, laws, policies, programmes and practices to eliminate all forms of sexual exploitation of children, including commercial sexual exploitation;

8. Further calls upon States to enforce relevant laws, policies and programmes to protect children from sexual exploitation, in particular by penalizing all those offenders involved, and to strengthen communication and cooperation between law enforcement authorities;

9. Stresses the need to combat the existence of a market that encourages such criminal practices against children;

10. Urges States, in cases of sex tourism, to develop or strengthen and implement laws to criminalize the acts of nationals of the countries of origin when committed against children in the countries of destination, to ensure that a person who exploits a child for sexual abuse purposes in another country is prosecuted by competent national authorities, either in the country of origin or in the country of destination, to strengthen laws and law enforcement, including confiscation and seizure of assets and profits and other sanctions, against those who commit sexual crimes against children in countries of destination, and to share relevant data;

11. Requests States to step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking in children;

12. Invites States to allocate resources to provide comprehensive programmes designed to heal and to rehabilitate into society child victims of trafficking and sexual exploitation, including through job training, legal assistance and confidential health care, and to take all appropriate measures to promote their physical and psychological recovery and social reintegration;

IV

Protection of children affected by armed conflict

1. Expresses grave concern at the numerous damaging effects of armed conflicts on children, including the use of children as combatants in such situations, and emphasizes the need for the world community to focus increased attention on this serious problem with a view to bringing it to an end;

2. Invites all States to accede to relevant international human rights and humanitarian law instruments, and urges them to implement those instruments to which they are parties;

3. Calls upon all States and other parties to armed conflict to respect international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and the additional protocols thereto of 1977, while bearing in mind resolution 2 of the twenty-sixth International Conference of the Red Cross and Red Crescent, and to respect the provisions of the Convention on the Rights of the Child which accord children affected by armed conflict special protection and treatment;

4. Calls upon States and United Nations bodies and organizations to treat children during conflict and in post-conflict situations as a priority concern in human rights, humanitarian and development activities, including in field operations and country programmes, to enhance coordination and cooperation throughout the United Nations system and to ensure effective protection for children affected by armed conflict;

5. Recommends that the humanitarian concerns relating to children affected by armed conflict and their protection be fully reflected in United Nations field operations, which, inter alia, promote peace, prevent and resolve conflicts, and implement peace agreements;

6. Underlines the importance that measures to ensure respect for the rights of the child, including in the areas of health and nutrition, formal, informal or non-formal education, physical and psychological recovery, and social reintegration, be included within emergency and other humanitarian assistance policies and programmes;

7. Stresses the need for Governments and other parties to armed conflict to take measures, including the establishment, for example, of "days of tranquillity" and "corridors of peace", to ensure humanitarian access, the delivery of humanitarian relief and the provision of services, such as education and health, including immunization of children affected by armed conflict;

8. Supports the work of the working group of the Commission on Human Rights on a draft optional protocol to the Convention on the Rights of the Child related to the involvement of children in armed conflict, and expresses the hope that it will make further progress prior to the fifty-fourth session of the Commission with a view to finalizing this work;

9. Urges States and all other parties to armed conflict to adopt all necessary measures to end the use of children as soldiers and to ensure their demobilization and reintegration into society, including through adequate education and training, in a manner that fosters their self-respect and dignity, and invites the international community to assist in this endeavour;

10. Welcomes increased international efforts in various forums with respect to anti-personnel mines, recognizes the positive effect on children of those efforts, and in this regard takes due note of the conclusion of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction and its implementation by those States that become parties to it, as well as of the amended Mines Protocol of the Convention on Prohibitions or Restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or have indiscriminate effects;

11. Calls upon all States and relevant United Nations bodies, including the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, to contribute on an ongoing basis to international mine clearance efforts, and urges States to take further action to promote gender- and age-appropriate mine-awareness programmes and child-centred rehabilitation, thereby reducing the number and the plight of child victims;

12. Reaffirms that rape in the conduct of armed conflict constitutes a war crime and that under certain circumstances it constitutes a crime against humanity and an act of genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide, and calls upon all States to take all measures required for the protection of women and children from all acts of gender-based violence, including rape, sexual exploitation and forced pregnancy, to strengthen mechanisms to investigate and punish all those responsible and bring the perpetrators to justice;

13. Urgently requests that appropriate measures be taken by Member States and United Nations agencies, within the scope of their respective mandates, to ensure humanitarian access to children affected by armed conflict, to facilitate the extension of humanitarian assistance, including education, and to ensure the physical and psychological recovery and reintegration into society of child soldiers, victims of landmines and victims of gender-based violence;

14. Recommends that whenever sanctions are imposed their impact on children be assessed and monitored and humanitarian exceptions be child-focused and formulated with clear application guidelines;

15. Recalls the importance of preventive measures such as early warning systems, preventive diplomacy and education for peace to prevent conflicts and

their negative impact on the rights of the child, and urges Governments and the international community to promote sustainable human development;

16. Calls upon all States, in accordance with the norms of international humanitarian law, to integrate in their armed forces' training and education programmes, including those for peacekeeping, instruction on responsibilities towards the civilian population, particularly women and children;

17. Welcomes the appointment of Mr. Olara Otunnu as the Special Representative of the Secretary-General for Children in Armed Conflict in accordance with General Assembly resolution 51/77 of 12 December 1996;

18. Invites Governments, specialized agencies, relevant United Nations bodies, notably the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, and regional, intergovernmental and non-governmental organizations, as well as the Committee on the Rights of the Child, to cooperate with the Special Representative and to contribute to his work, including his annual report;

19. Recommends that the Secretary-General ensure that the necessary support is made available to the Special Representative for the effective performance of his mandate, encourages the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, and the Office of the United Nations High Commissioner for Human Rights to provide support to the Special Representative, and calls upon States and other institutions to provide voluntary contributions for that purpose;

20. Invites Member States and relevant United Nations bodies and non-governmental organizations to consider how the impact of armed conflict on children can best be integrated into events designed to commemorate the tenth anniversary of the World Summit for Children and the entry into force of the Convention;

V

Refugee and internally displaced children

1. Urges Governments to pay particular attention to the situation of refugee and internally displaced children by continuing to design and improve the implementation of policies for their care and well-being with the necessary international cooperation, in particular with the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund and international humanitarian organizations;

2. Calls upon States and United Nations bodies, in recognizing the particular vulnerability of refugee and internally displaced children, to protect both their safety and their developmental needs, including health, education, and psycho-social rehabilitation;

3. Expresses its deep concern about the growing number of unaccompanied refugee and internally displaced children, and calls upon all States and United

Nations bodies and agencies to ensure the early identification and registration of unaccompanied refugee and internally displaced children, to give priority to programmes for family tracing and reunification, and to continue monitoring the care arrangements for unaccompanied refugee and internally displaced children;

4. Calls upon all States and other parties to armed conflicts to recognize the particular vulnerability of refugee and internally displaced children to the damaging effects of such conflicts, stresses the special vulnerability of child-headed households, and calls upon Governments and United Nations bodies to give these situations urgent attention, to enhance protection and assistance mechanisms, and to involve women and youth in the design, delivery, and monitoring of measures taken to this effect;

5. Invites the Representative of the Secretary-General on internally displaced persons to take into account the situation of internally displaced children in his preparation of guiding principles which are to form part of a comprehensive framework for the protection of internally displaced persons;

VI

Elimination of exploitation of child labour

1. Reaffirms the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous to or interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development;

2. Welcomes the measures taken by Governments to eliminate the exploitation of child labour, while recalling the Programme of Action for the Elimination of the Exploitation of Child Labour, and calls upon relevant United Nations agencies, in particular the United Nations Children's Fund and the International Labour Organization, to continue to support national efforts in this regard;

3. Also welcomes the recent holding of various international conferences on various forms of child labour;

4. Further welcomes the efforts by the Committee on the Rights of the Child in the area of child labour, takes note of its recommendations and encourages the Committee as well as other relevant human rights treaty bodies, within their respective mandates, to continue to monitor this growing problem when examining reports of States parties;

5. Calls upon all States to translate into concrete action their commitment to the progressive and effective elimination of all forms of exploitative child labour, and urges them, as a matter of priority, to eliminate all extreme forms of child labour, such as forced labour, bonded labour and other forms of slavery;

6. Calls upon all States that have not yet done so to consider ratifying the conventions of the International Labour Organization concerning the

abolition of forced labour and the minimum age for employment, including for particularly hazardous work for children, and to implement those conventions;

7. Calls upon all States to support the negotiation, with a view to its early finalization, by the International Labour Organization of a future instrument aimed at eradicating the most intolerable forms of child labour;

8. Also calls upon all States to set specific target dates for eliminating all forms of child labour that are contrary to accepted international standards and for ensuring the full enforcement of relevant existing laws and, where appropriate, enacting legislation necessary to implement their obligations under the Convention on the Rights of the Child and International Labour Organization standards ensuring the protection of working children;

9. Further calls upon all States to recognize the right to education by making primary education compulsory and ensuring that all children have access to free primary education as a key strategy to prevent child labour;

10. Also calls upon all States to systematically assess and examine, in close cooperation with international organizations such as the International Labour Organization and the United Nations Children's Fund, the magnitude, nature and causes of the exploitation of child labour, and to develop and implement strategies for combating these practices, with a specific emphasis on the situation of girls, their right to education and access to schools on an equal basis with boys, in close cooperation with the United Nations Educational, Scientific and Cultural Organization;

11. Calls upon all States and the United Nations system to strengthen international cooperation, as a means of assisting Governments in preventing or combating violations of the rights of the child, including the exploitation of child labour;

VII

The plight of children living and/or working on the streets

1. Expresses grave concern at the large number of children living and/or working on the streets, and at the continued growth in incidents and reports worldwide of such children being affected by serious crime, drug trafficking and abuse, violence and prostitution;

2. Welcomes the continuing efforts of Governments, the United Nations system, and civil society to tackle this multifaceted problem;

3. Calls upon Governments to continue actively to seek comprehensive solutions for the problems of children living and/or working on the streets, including by helping to alleviate the poverty of such children, their families, or guardians, by taking measures to ensure their reintegration into society, and by providing, inter alia, adequate nutrition, shelter, health care and

education, taking into account that such children are particularly vulnerable to all forms of violence, abuse, exploitation and neglect;

4. Emphasizes that the provisions of the Convention on the Rights of the Child and other relevant human rights instruments must constitute the standard in efforts to deal with this problem, and recommends that the Committee on the Rights of the Child and other relevant human rights treaty monitoring bodies continue to give attention to it when examining the reports of States parties;

5. Strongly urges all Governments to guarantee the respect for all human rights and fundamental freedoms, particularly the right to life, and to take urgent measures to prevent the killing of children living and/or working on the streets and to combat torture and violence against them, and to ensure strict compliance with the Convention on the Rights of the Child and other relevant human rights instruments, including the requirement that legal and juridical processes respect the rights of the child;

6. Calls upon the international community to support, through effective international cooperation, the efforts of States to improve the situation of such children and encourages States parties to the Convention on the Rights of the Child, in preparing their reports to the Committee on the Rights of the Child, to take full account of the particular needs and rights of such children and to consider requesting technical advice and assistance for initiatives aimed at improving their situation;

VIII

Decides:

(a) To request the Secretary-General to submit a report on the rights of the child to the General Assembly at its fifty-third session, containing information on the status of the Convention on the Rights of the Child and the problems addressed in the present resolution;

(b) To request the Special Representative of the Secretary-General for Children in Armed Conflict to submit to the General Assembly and the Commission on Human Rights an annual report containing relevant information on the situation of children affected by armed conflict, bearing in mind existing mandates and reports of relevant bodies;

(c) To continue its consideration of this question at its fifty-third session under the item entitled "Promotion and protection of the rights of the child".

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17. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Reports considered by the General Assembly in connection with the question of the promotion and protection of the rights of children

The General Assembly takes note of the following reports:

(a) Report of the Secretary-General on the status of the Convention on the Rights of the Child;[1]

(b) Report of the Secretary-General on the exploitation of child labour.[2]

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[1] A/52/348.

[2] A/52/523.